

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is not more than originally filed.

a) Claim Rejection Based On Godbole and Rescalli In View Of Cyanamid

The rejection of Claims 1-6 under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,793,776 ("Godbole") and U.S. Patent 3,896,007 ("Rescalli") in view of GB Patent 821,958 ("Cyanamid") is respectfully traversed.

In order for a rejection under 35 U.S.C. § 103 to be proper, the cited references must be categorized by the appropriate sections of 35 U.S.C. § 102. Additionally, 35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an **obligation of assignment** to the **same person**.

In this case, the Patent Application was filed on 15 December 2003 and claims priority to Provisional Patent Application 60/437,836, filed on 03 January 2003. The Patent Application is fully supported by the Provisional Patent Application. Godbole issued on 21 September 2004 from an application filed on 31 August 2001. At the time the invention was made, the Patent Application and Godbole were commonly assigned to The Standard Oil Company.

Godbole cannot be applied as a reference under 35 U.S.C. § 103 against the Patent Application. Since the issue date of Godbole is after the filing date of both the Patent Application and the Provisional Patent Application, Godbole is not prior art under

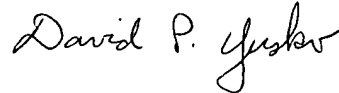
35 U.S.C. § 102(a) or 102(b). Furthermore, since there is a common assignee between the Patent Application and Godbole, 35 U.S.C. § 102(e) cannot be applied for an obviousness rejection according to 35 U.S.C. § 103(c), as cited above.

For at least these reasons, Applicants believe that the above remarks overcome this claim rejection. Accordingly, this claim rejection should be withdrawn.

b) Conclusion

Applicants believe that the claims, as previously presented, are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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